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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91237315
Party	Plaintiff American Marriage Ministries
Correspondence Address	Nancy V. Stephens Foster Pepper PLLC 1111 3rd Avenue Suite 3000 Seattle, WA 98101 UNITED STATES nancy.stephens@foster.com 206-447-8925
Submission	Motion to Extend
Filer's Name	Nancy V. Stephens
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Signature	/Nancy V. Stephens/
Date	11/14/2018
Attachments	Opposers Motion to Extend Discovery.pdf(47047 bytes) Declaration of NVS in Support of Opposers Motion to Extend Discovery.pdf(42254 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

OPPOSER'S MOTION TO EXTEND
DISCOVERY

OPPOSER'S MOTION TO EXTEND DISCOVERY

AMERICAN MARRIAGE MINISTRIES ("Opposer"), through its undersigned attorneys, submits this brief and respectfully moves for an order extending the discovery period in the above-captioned proceeding until December 21, 2018 or, alternatively, expecting a decision will not be before December 11th, Opposer moves for an Order extending the end of the discovery period for 30 days following a decision on this motion. In support thereof, Opposer states:

1. Opposer filed its Notice of Opposition on October 18, 2018.
2. Applicant filed various motions on March 14, 2018, April 18, 2018 and April 23, 2018 to which Opposer promptly responded to each.

3. On August 14, 2018 trial dates were reset and the close of discovery reset to November 16, 2018.

4. On February 26, 2018, Opposer timely served responses to Applicant's First Set of Interrogatories and Applicant's First Set of Requests for Production. On March 6, 2018, Opposer served Supplemental documents in response to Applicant's First Set of Requests for Production. On November 6, 2018, Opposer served Supplemental Responses to Applicant's First Set of Requests for Documents and First Set of Interrogatories. On November 12, 2018, Opposer timely served responses to Applicant's First Request for Admissions, Second Set of Interrogatories and Second Requests for Production.

5. On November 5, 2018 Opposer was served with a Notice of Deposition for two of Opposer's Employees set for November 14, 2018 and November 15, 2018 and for Opposer on November 16, 2018.

6. On November 5, 2018, Applicant's counsel requested that Opposer stipulate to a 30-day extension to allow for depositions of Opposer and two of its employees.

7. On November 5, 2018, Opposer conferred with its client regarding availability for the noticed depositions, to schedule dates for deposition of Mr. George Freeman or other employees of Applicant and discuss the request for the stipulated extension of discovery.

8. Between November 6th and November 9th, counsel for both parties exchanged correspondence regarding the stipulated extension of discovery. Opposer advocated extending the close of discovery until December 31st while Applicant insisted on the December 21st date.

9. On Saturday November 10, 2018, counsel for Applicant wrote counsel for Opposer to inform her that the only reason Applicant proposed the extension of discovery was

for the sole purpose of taking Opposer's deposition but not for taking Applicant's depositions and if Opposer did not stipulate to the extension of discovery for this limited purpose, the dates of the original notice would stand.

10. On Monday November 12, 2018, Opposer's counsel informed Applicant's counsel that neither Opposer nor Opposer's employees would not be available on Wednesday, Thursday or Friday of that week and suggested the parties stipulate to extend discovery until December 21st to accommodate both parties.

11. On November 12, 2018, Opposer served responses to Applicant's second set of discovery requests though most requests were for the same information Opposer had already provided.

12. On Tuesday, November 13, 2018 Opposer served Notice of Deposition for Applicant and employees of Applicant, one of whom has been identified as an Expert Witness. Opposer's counsel had previously notified Applicant's counsel that it requested and needed these depositions. Opposer believed this informal notification was sufficient and that the proposed extension of discovery would encompass all witnesses, so it had not previously sent formal notices.

13. Applicant's counsel stated that it would oppose any deposition of Applicant or its employees before the close of discovery and that it would oppose extending discovery to allow later depositions of Applicant and/or Applicant's employees.

14. Though the discovery period originally opened December 27, 2017, it was suspended from April 23, 2018 through August 14, 2018.

15. There was no discussion between parties regarding any taking of depositions prior to October 25, 2018. As a stipulated extension had been discussed, Opposer expected the discovery period would be extended to allow time to schedule depositions.

16. Alternate dates in the first or second week of were proposed by Applicant's counsel and time was invested by Opposer to consider those dates.

17. Discovery has been rigorous since discovery reopened on August 14, 2018.

18. This motion is made in good faith to allow the parties sufficient time and opportunity to schedule and hold depositions and is not made for reasons of delay. Both parties need additional time to schedule depositions. The 30-day extension is the same time period suggested by Applicant though Applicant only sought to accommodate the depositions conducted by one party (Applicant) and not both parties.

19. Opposer's counsel has communicated that she will object to an extension for discovery if it is to apply to both parties.

20. This is Opposer's first request for an extension of discovery.

WHEREFORE, for reasons set forth above, Opposer respectfully requests the Board extend discovery either until December 21, 2018 or for 30 days following a decision on this motion.

DATED: November 13, 2018

/Nancy V. Stephens/
Nancy V. Stephens WSBA No. 31510
Foster Pepper PLLC
Attorneys for Opposer
1111 Third Avenue, Suite 3200
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206-447-4400

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I served the foregoing **OPPOSER’S MOTION TO EXTEND DISCOVERY** on the Applicant by emailing to Applicant as follows:

Michael P. Matesky, II
Matesky Law PLLC
trademarks@mateskylaw.com
mike@mateskylaw.com

/Renee Stewart/

Renee Stewart

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AMERICAN MARRIAGE MINISTRIES,

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Applicant.

Opposition No. 91237315

DECLARATION OF NANCY V.
STEPHENS IN SUPPORT OF
OPPOSER'S MOTION TO EXTEND
DISCOVERY

I, NANCY V. STEPHENS, hereby declare as follows:

1. I am a Member of Foster Pepper, PLLC, counsel to American Marriage Ministries. I am a member in good standing with the Washington State Bar. I submit this Declaration in support of Opposer's Motion for an Extension of Discovery Without Consent.
2. Since November 5, 2018, the parties have contemplated a stipulated extension of discovery to extend the discovery period to at least as late as December 21, 2018.
3. Upon receiving Notices of Deposition on November 5, 2018, I have exchanged correspondence with my client to find a suitable time to depose Applicant and be deposed.
4. Opposing counsel seeks to extend discovery only for his client to take depositions but not for both parties to take depositions.

5. Applicant's deposition testimony is necessary for Opposer's case particularly as Applicant's principal employee is also named as an Expert Witness.

6. Opposing counsel seeks to extend discovery only for his client but not for both to avoid having its principal employee deposed who is also identified as an Expert Witness in the case.

7. Opposer did not serve its Notices of Deposition on November 6th as it believed discovery would be extended by stipulation as both parties agreed the additional time was needed to schedule depositions and especially since such stipulated extension was at Applicant's request. However, I did notify opposing counsel soon around November 6, 2018 that Opposer needed, and wanted, to conduct depositions of Applicant, Applicant's principal's, and Applicant's employees.

8. Applicant has stated that it is not available for the date noticed for deposition which is prior to the close of discovery.

9. Opposer now seeks an extension of the discovery period in order to (a) enable both parties to take depositions; and (b) effect the stipulated extension of time contemplated by the parties over the past week and make it effective for **both** parties and not just one.

I declare under penalty of perjury under the laws of the state of Washington and the United States that the foregoing is true and correct.

DATED: November 13, 2018

/Nancy V. Stephens/
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DECLARATION OF NANCY V. STEPHENS IN SUPPORT
OF OPPOSER'S MOTION TO EXTEND DISCOVERY – 2

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I served the foregoing **DECLARATION OF NANCY V. STEPHENS IN SUPPORT OF OPPOSER'S MOTION TO EXTEND DISCOVERY** on the Applicant by emailing to Applicant as follows:

Michael P. Matesky, II
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/Renee Stewart/

Renee Stewart